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7 UNITED STATES BANKRUPTCY COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 IN RE:

Case No. 09-13181

11 HOSAIN AZIZIAN, and  
FATEMEH H. AZIZIAN,

Chapter 11

12  
13 DEBTORS. /

MOTION FOR DETERMINATION OF  
SECURED CLAIM; DECLARATION OF  
FATEMEH AZIZIAN; MEMORANDUM  
OF POINTS AND AUTHORITIES

Date: July 16, 2010

Time: 9:00 a.m.

Place: 99 South E St.  
Santa Rosa, CA

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16  
17 TO: HONORABLE ALAN JAROSLOVSKY, UNITED STATES BANKRUPTCY JUDGE:

18 Hosain and Fatemeh Azizian, Debtors herein, hereby move the above  
19 entitled Court for an Order Determining Secured Claim of Golden  
20 Security Bank in real property located at 1991 Broadway, Vallejo,  
21 California.

22 Said Motion will be made on the grounds that the claim of Golden  
23 Security Bank is secured by real property located at 1991 Broadway  
24 Vallejo, California which property has a fair market value of  
25 \$215,000. Said property is encumbered by secured taxes in senior  
26 priority due the County of Solano in the amount of \$8,000.00 and by  
27 a Deed of Trust in favor of Golden Security Bank which balance exceeds  
28 the value of the subject collateral. The secured claim of Golden  
Security Bank is limited to the sum of \$215,000.

1 The within Motion is made and based hereon, on the appended  
2 Declaration of Fatemeh Azizian, and the Points and Authorities  
3 appended hereto.

4 Dated: 6/14/10

DAVID N. CHANDLER, p.c.

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By: /s/ David N. Chandler  
DAVID N. CHANDLER,  
Attorney for Debtors

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DECLARATION OF FATEMEH AZIZIAN

11

I, Fatemeh Azizian, declare and say:

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1. That if called as a witness, I am competent to testify to  
the within matters from my own knowledge.

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2. I am one of the Debtors in the above referenced matter.

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3. The real property located at 1991 Broadway, Vallejo,  
California is property of the within estate and has a fair market  
value of \$215,000.

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4. The secured tax roll for the said property has an unpaid  
balance of \$8,000.00.

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5. Golden Security Bank holds the sole Deed of Trust  
encumbering the subject property and alleges in its Proof of Claim  
that it is due a balance in excess of \$579,000.

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6. Golden Security Bank is secured to the extent of \$215,000  
only.

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Executed under penalty of perjury this 14<sup>th</sup> day of June, 2010 at  
Santa Rosa, California.

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28

/s/ Fatemeh Azizian  
Fatemeh Azizian

MEMORANDUM OF POINTS AND AUTHORITIES

1  
2 1. An allowed claim of a creditor secured by a lien on property  
3 in which the estate has an interest is secured to the extent of the  
4 value of such creditor's interest in the estate's interest in such  
5 property. 11 U.S.C. Section 506(a)(1).

6 2. To the extent that a lien secures a claim against the debtor  
7 that is not an allowed secured claim, such lien is void. Section  
8 506(d).

9 3. Section 506(a) bifurcates a debt into secured and unsecured  
10 components. The secured component is the secured debt. In re Glenn,  
11 786 F.2d 1144 (9<sup>th</sup> Cir. 1986).

12 4. It is respectfully submitted that the value of the  
13 collateral which is collateral for the claim of Golden Security Bank  
14 is as set forth herein and that the claimant's allowable claim is  
15 secured to the extent of the value of the subject property, \$215,000,  
16 and unsecured as to the balance.

17 5. It is submitted that the collateral be valued as herein  
18 provided and that the secured component of the claim be determined.

19  
20 Dated: 6/14/10

Respectfully submitted,

21 DAVID N. CHANDLER, p.c.  
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23 By: /s/ David N. Chandler

24 DAVID N. CHANDLER,  
25 Attorney for Debtors  
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